

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

5:10-CR-2(1)

MEMORANDUM ORDER

The above-entitled and numbered criminal action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Defendant filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the Magistrate Judge's findings and conclusions.

REPORT AND RECOMMENDATION

On July 30, 2012, the Magistrate Judge conducted a hearing on the Government's Petition to Revoke Supervised Release. On July 31, 2012, the Magistrate Judge filed a Report and Recommendation, recommending Defendant's supervised release be revoked. The Magistrate Judge further recommended that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of nine (9) months, with a two-year term of supervised release to follow said term of imprisonment. The Magistrate Judge further recommended certain conditions of supervised release following the term of imprisonment.

DEFENDANT'S OBJECTIONS

Defendant objects to the Magistrate Judge's Report and Recommendation. Specifically, Defendant denies that she has violated the law, asserting she is innocent of the allegation of assault

with bodily injury. Regarding the missed appointments alleged in paragraphs 2, 3, and 4 of the petition, Defendant asserts she was ill and unable to make her appointments. Defendant also denies use of alcohol. Finally, Defendant objects to the recommended sentence of nine months.

DE NOVO REVIEW

The Court, having reviewed the Report and Recommendation, the Government's petition, and Defendant's objections, and having given Defendant the opportunity to be heard on August 28, 2012, is of the opinion that the findings and conclusions of the Magistrate Judge are correct. The Court agrees with the Magistrate Judge's imposition of a nine-month sentence with a two-year term of supervised release to follow said term of imprisonment. The Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Defendant's supervised release is **REVOKED**. The Court finds Defendant violated certain conditions of supervised release as alleged in the U.S. Probation Office's petition. Further, it is

ORDERED that Defendant is committed to the custody of the Bureau of Prisons to be imprisoned for a term of nine (9) months, with a two-year term of supervised release to follow said term of imprisonment. It is further

ORDERED that within 72 hours of release from the custody of the Bureau of Prisons, Defendant shall report in person to the probation office in the district to which the defendant is released. While on supervised release, Defendant shall not commit another federal, state, or local crime, and shall comply with the standard conditions that have been adopted by the Court, and shall comply with the following additional conditions.

Defendant shall provide the probation officer with access to any requested financial information for purposes of monitoring efforts to maintain lawful employment; Defendant shall participate in a program of testing and treatment for alcohol and drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer; under the guidance and direction of the U.S. Probation Office, Defendant shall participate in any combination of substance abuse, psychiatric, psychological, or mental health treatment as deemed appropriate by the treatment provider; Defendant shall not illegally possess a controlled substance and shall refrain from any unlawful use of a controlled substance; that Defendant be required to submit to a drug test within 15 days of release on supervised release, and at least two periodic drug tests thereafter, as directed by the probation officer; and that Defendant shall abstain from all alcohol consumption. It is further

REQUESTED that the Bureau of Prisons designate the Federal Correctional Institute in Bryan, Texas for service of sentence.

It is SO ORDERED.

SIGNED this 30th day of August, 2012.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE